

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:2585
ANSWERED ON:15.12.2015
Disabled Prisoners and Undertrials
Sampath Shri Anirudhan

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the total number of disabled/differently abled and mentally challenged people in jails in the country as convicts and undertrials, State-wise,
- (b) the duration for which such undertrials are languishing in jails viz. less than three years, 3-5 years and more than five years and the number of those in each group;
- (c) whether the Government has taken any step to expedite trial of their cases; and
- (d) if so, the details thereof?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HARIBHAI PARATHIBHAI CHAUDHARY)

(a)&(b): As per data compiled by the National Crime Records Bureau at the end of 2014, there were 5394 inmates suffering from mental illness lodged in the jails of the Country. A State/UT wise statement in this regard is at Annexure. Data regarding disabled/differently abled inmates is not maintained centrally.

(c)&(d): "Prisons" is a State subject as per Entry 4 of List II of the Seventh Schedule to the Constitution of India. Therefore, the administration and management of prisons is primarily the responsibility of the State Governments. However, the following measures have been taken by the Government of India in respect of undertrial prisoners:

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(i) A comprehensive advisory dated 17th July 2009 has been issued to the States/UTs on "Prison Administration", which provides for steps to be taken by the States/UTs for providing free legal aid to undertrials, setting up of Lok Adalats/Special courts in prisons for expediting review of cases of undertrials. The same may be downloaded from the website of the Ministry of Home Affairs at the following links:

<http://mha1.nic.in/PrisonReforms/pdf/PrisonAdmin17072009.pdf>

(ii) An Advisory has been issued by this Ministry on 17.1.2013 to States/UTs regarding use of section 436A of the Cr.P.C to reduce overcrowding of prisons. The same can also be accessed on the website of Ministry of Home Affairs at the link:

http://mha1.nic.in/PrisonReforms/pdf/AdvSec436APrisons-060213_0.pdf

(iii) Hon'ble Home Minister has written to Chief Ministers/LG of States/UT on 3.9.2014 regarding use of section 436A of Cr. P.C. to reduce overcrowding in jails of India.

(iv) Director General (Prisons)/Inspector General (Prisons) of all States/UTs have been requested on 22.9.2014 to take necessary action to comply with the order dated 5.9.2014 of the Hon'ble Supreme Court in the matter.

(v) Advisory dated 27.9.2014 issued to States/UTs on reckoning half-life of time spent in judicial custody of Undertrial prisoners under Section 436A of Cr. P. C. The same can also be accessed on the website of Ministry of Home Affairs at the link:

http://mha1.nic.in/PrisonReforms/pdf/GuidelinesForReckoningHalfLife_161014.pdf
